

IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL
C-24 02 OF 2006

Smt. Kamini Devi,
W/o Vikas Kumar Tantriwal,
D/o Madan Lal Rahi, L.I.G. 92, Chander Road,
M.D.D.A. Colony, Dehradun. Petitioner.

Versus

Vikas Kumar Tantriwal,
S/o Hari Ram,
R/o Nai Basti, Dr. Chatrapal Wali Gali,
Bhim Goda, Khadkhadi, Pargana-Jwalapur,
Tehsil and District-Haridwar. Respondents.

Dated: 03.05.2006

Hon'ble Rajesh Tandon, J.

Heard Mr. M.K. Goyal, Advocate for the petitioner.

By the present petition, the petitioner has prayed for transfer of the Case No. 227 of 2004 Vikas Kumar Vs. Smt. Kamini U/s 9 Hindu Marriage Act, 1955 from the Family Court Haridwar to Family Court Dehradun.

Briefly stated, according to the case of the petitioner, he is residing at Dehradun and the marriage of the parties was also solemnized at Dehradun on 25th April, 2001. The respondent filed a suit U/s 9 of the Hindu Marriage Act, which was registered as Case No. 305 of 2002. According to the petitioner, compromise was filed, however, the respondent again started doing cruel behaviour with the petitioner and as

such the petitioner had to allege an FIR in the Police Station. The petitioner moved an application U/s 125 (3) Cr.P.C. The respondent again moved an application under Section 13 of the Hindu Marriage Act before the Judge Family Court, Haridwar on 26.08.2004 being Case No. 227 of 2004.

The petitioner has submitted that notice was sent to the respondent but in spite of the notice, no appearance has been put and by report dated 7th May, 2006, the service has been deemed sufficient on the respondent.

A perusal of the Suit No. 227 of 2004 shows that the parties were married at Dehradun and thereafter, the petitioner is residing at Dehradun and as such for the sake of convenience, the suit is directed to be transferred at Dehradun by the Family Judge, Dehradun. It is further directed that the Suit No. 227 of 2004 be decided expeditiously.

The Transfer Application is allowed. No order as to costs.

(Rajesh Tandon, J.)

03.05.2006

Rathour